

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ALLIANCE FOR HIPPOCRATIC
MEDICINE, *et al.*,

Plaintiffs,

v.

U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants,

DANCO LABORATORIES, LLC,

Intervenor-Defendant.

Case No. 2:22-cv-00223-Z

**MOTION FOR LEAVE TO FILE BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION ON BEHALF OF
PROPOSED *AMICI CURIAE* SUSAN B. ANTHONY PRO-LIFE AMERICA, CATHOLIC
HEALTH CARE LEADERSHIP ALLIANCE, NATIONAL CATHOLIC BIOETHICS
CENTER, CATHOLIC BAR ASSOCIATION, CATHOLIC BENEFITS ASSOCIATION,
AND CHRIST MEDICUS FOUNDATION**

Proposed *amici*, Susan B. Anthony Pro-Life America, Catholic Health Care Leadership Alliance, National Catholic Bioethics Center, Catholic Bar Association, and Catholic Benefits Association respectfully move for leave to file a brief in support of Plaintiffs' Motion for Preliminary Injunction. *See* Local Rule 7.2(b), 7.2(c). Pursuant to Local Rule 7.1(a), the parties do not oppose this motion. Pursuant to Local Rule 7.2(b), the attached brief specifically sets forth *amici* interests in the outcome of the litigation.

In support of this motion, proposed *amici* state as follows:

Amicus Curiae Susan B. Anthony Pro-Life America (SBA) is a "pro-life advocacy organization," *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 153 (2014) (internal quotation marks omitted), dedicated to ending abortion while protecting the lives of mothers and their babies.

The organization is involved in public education and issue advocacy, working to advance pro-life laws and health-saving regulatory measures for women, girls, and the unborn through direct lobbying and grassroots campaigns.

Amicus Curiae Catholic Health Care Leadership Alliance (CHCLA) is an alliance of Catholic organizations whose mission is to support the rights of patients and professionals to receive and provide health care in accordance with the moral, ethical, and social teachings of Jesus Christ and His Church through ongoing evangelization, education, advocacy, and mutual support. CHCLA's allied members include professionals involved in all areas of health care, including physicians and nurses, as well as practice groups and hospitals. These CHCLA members are engaged in the active practice of health care on a daily basis, working in both secular and religious environments, and adhere to Catholic doctrine as their sincerely held religious beliefs. These members collectively provide medical care to hundreds of thousands of patients across the country.

Amicus Curiae National Catholic Bioethics Center (NCBC) is a non-profit research and educational institute committed to applying the principles of natural moral law, consistent with many traditions including the teachings of the Catholic Church, to ethical issues arising in health care and the life sciences. NCBC is committed to fostering a culture of respect for human life and human dignity, particularly in the medical context.

Amicus Curiae Catholic Bar Association (CBar) is a community of legal professionals that educates, organizes, and inspires its members to faithfully uphold and bear witness to the Catholic faith in the study and practice of law. The CBar's mission and purpose include upholding the principles of the Catholic faith in the practice of law, and assisting the Church in the work of communicating Catholic legal principles to the legal profession and society at large.

Amicus Curiae Catholic Benefits Association (CBA) is an Oklahoma non-profit limited cooperative association committed to assisting its Catholic employer members in providing health coverage to their employees consistent with Catholic values. The CBA provides such assistance through its website, training webinars, legal and practical advice for member employers, and litigation services protecting members' legal and conscience rights. The CBA's member employers include 78 Catholic dioceses, over 7000 parishes, over 1300 schools and colleges, as well as social services agencies, hospitals, senior housing, and closely held for profit employers. One of the conditions of membership is that the member affirm that its health care coverage complies with Catholic values.

Amicus Curiae Christ Medicus Foundation (CMF) was established in 1997 to defend religious freedom by educating religious and lay leaders on the intersection of health care, the exercise of faith and religious freedom, and the right to life. For decades, it has led coalitions, campaigns, and conferences to educate and inform Christ-centered health care decisions. As part of this mission, CMF helps defend the rights, health, and wellbeing of patients and families through the Health Care Civil Rights Taskforce and builds momentum around this movement through the Religious Freedom Campaign.

The decision to permit *amici* briefing "lies solely within the court's discretion." *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007), *aff'd sub nom. U.S. ex rel. Gudur v. Deloitte & Touche*, No. 07- 20414, 2008 WL 3244000 (5th Cir. Aug. 7, 2008). And the general rule is that an "amicus brief should normally be allowed . . . when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *In re Halo Wireless, Inc.*, 684 F.3d 581, 596 (5th Cir. 2012) (quoting *Ryan v. CFTC*, 125 F.3d 1062, 1063 (7th Cir. 1997) (Posner, J.)).

For the foregoing reasons, SBA, CHCLA, NCBC, Cbar, CBA, CMF respectfully request that the Court grant this motion for leave to file an *amici* brief in support of Plaintiffs' Motion for Preliminary Injunction.

February 10, 2023

Respectfully submitted,

Weycer, Kaplan, Pulaski & Zuber, PC

By: /s/ *Murphy S. Klasing*

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ATTORNEYS FOR AMICUS CURIAE

CERTIFICATE OF CONFERENCE

On February 9, 2023, I conferred with Erik Baptist, counsel for Plaintiffs, Noah Katzen, counsel for Defendants, and Ryan Brown, counsel for Intervenor-Defendant, regarding the relief requested herein. Counsel stated that they are UNOPPOSED to the relief requested in this motion.

/s/ Murphy S. Klasing
Murphy S. Klasing

Counsel for Proposed Amicus Curiae

CERTIFICATE OF SERVICE

On February 10, 2023, I filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF System).

/s/ Murphy S. Klasing
Murphy S. Klasing

Counsel for Proposed Amicus Curiae